



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

Reply To
Attn Of: ORC-158

October 13, 1998

Mark Myers, Esq.
Williams, Kastner & Gibbs
Two Union Square
601 Union Street, Suite 4100
Seattle, Washington 98101-2380

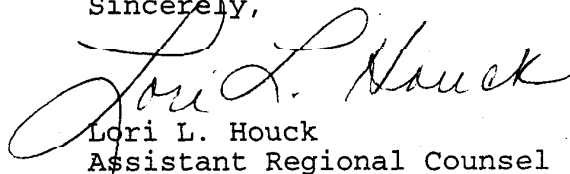
Re: General Metals of Tacoma Intertidal Sediments
Signed and Effective Administrative Order on Consent and
Statement of Work

Dear Mark:

I am pleased to enclose a copy of the final and effective Administrative Order and Statement of Work for the removal action on General Metals' intertidal sediments. The Order was signed and made effective today. The original Order and signature pages have been filed in Region 10's Hearing Clerk files. Please note that many of the time deadlines contained in the Order and attached Scope of Work begin as of today.

Thank you for your cooperation in this matter. Please call me with any questions which may come up relative to this Order.

Sincerely,


Lori L. Houck
Assistant Regional Counsel

cc: w/enclosures

Allison Hiltner, ECL
Ann Uhrich, COE
Timothy Todd, Gen. Metals

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EPA--REGION 10

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 10

IN THE MATTER OF:)	ADMINISTRATIVE ORDER ON
	)	CONSENT FOR REMOVAL ACTION
HYLEBOS WATERWAY OF THE	)	RE: INTERTIDAL SEDIMENTS
COMMENCEMENT BAY)	
NEARSHORE/TIDEFLATS SUPERFUND SITE	)	U.S. EPA, Region 10
	)	CERCLA
GENERAL METALS OF TACOMA, INC.	)	Docket No. 10-98-0133-CERCLA
d/b/a SCHNITZER STEEL OF TACOMA)	
Respondent.	)	Proceeding Under Sections 104, 106(a),
	)	107, and 122 of the Comprehensive
	)	Environmental Response, Compensation
	)	and Liability Act, as amended, 42 U.S.C.
	)	§§ 9604, 9606(a), 9607, and 9622
)	
)	
)	

I. JURISDICTION AND GENERAL PROVISIONS

1. This Administrative Order on Consent ("Order") is entered into voluntarily by the EPA and General Metals of Tacoma, Inc. d/b/a Schnitzer Steel of Tacoma, ("Respondent"). This Order provides for the performance of the removal action by Respondent and the reimbursement of response costs incurred by the United States in connection with remediation of intertidal and shallow subtidal sediments at the property located at 1902 Marine View Drive in Tacoma, Pierce County, Washington, the "General Metals Sediment Site" or the "Site." This Order requires the Respondent to conduct the removal action described herein to abate what may be an imminent and substantial endangerment to the public health, welfare, or the environment due to the actual or threatened release of hazardous substances at or from the Site.

2. This Administrative Order on Consent ("Order") is issued pursuant to the authority vested in the President of the United States by Sections 104, 106(a), 107, and 122 of the

1 Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended,
2 42 U.S.C. §§ 9604, 9606(a), 9607, and 9622 ("CERCLA"), and delegated to the Administrator
3 the United States Environmental Protection Agency ("EPA") by Executive Order No. 12580,
4 January 23, 1987, 52 Federal Register 2923, and further delegated to the EPA Regional
5 Administrators by EPA Delegation Nos. 14-14-A and 14-14-B; and redelegated to Cleanup Unit
6 Managers by Regional Redelegation Order R10 14-14-A and 14-14-B on March 25, 1996.

7 3. EPA has notified the State of Washington through its Department of Ecology
8 ("Ecology") of this action pursuant to Section 106(a) of CERCLA, 42 U.S.C § 9606(a).

9 4. Respondent's participation in this Order shall not constitute or be construed as an
10 admission of liability or of EPA's findings or determinations contained in this Order except in a
11 proceeding to enforce the terms of this Order.

12 5. Respondent agrees to comply with and be bound by the terms of this Order.
13 Respondent further agrees that it will not contest the basis or validity of this Order or its terms.

14 II. PARTIES BOUND

15 6. This Order applies to and is binding upon EPA and upon Respondent, its successors
16 and assigns. Any change in ownership or corporate status of Respondent including, but not limited
17 to, any transfer of assets or real or personal property shall not alter Respondent's responsibilities
18 under this Order.

19 7. Respondent shall ensure that its contractors, subcontractors, and representatives
20 receive a copy of this Order and comply with this Order. Respondent shall be responsible for any
21 noncompliance with this Order.

22 III. STATEMENT OF PURPOSE

23 8. In entering into this Order, the objectives of EPA and Respondent are to remediate
24 a portion of the contaminated intertidal and shallow subtidal sediments located on the Hylebos
25 Waterway side of the existing bulkhead that extends along the shoreline of Respondent's Site;
26 provide for long-term monitoring and maintenance of such remediated intertidal sediments; and
27 reimburse EPA's response costs incurred with respect to this Order. As an important and necess
28 component of the bulkhead replacement project being undertaken by Respondent, the sediments

1 along the bulkhead will be capped according to the terms of the attached Statement of Work. The
2 work stated in the Statement of Work shall be performed consistent with the 1989 Commencement
3 Bay Nearshore/Tideflats Record of Decision ("ROD"), and any applicable Explanations of
4 Significant Difference that have been issued in connection to the ROD, and in accordance with the
5 requirements of the Comprehensive Environmental Response, Compensation and Liability Act, 42
6 U.S.C. § 9601, et seq. (CERCLA), as amended, and the National Oil and Hazardous Substance
7 Pollution Contingency Plan, 40 CFR Part 300, as amended (NCP). This Order does not address all
8 removal or remedial actions that have been taken, or are or may be found to be necessary on
9 Respondent's facility.

10 9. By entering into this Order, Respondent makes no admission of liability nor does it
11 waive any right, claim, remedy, appeal, cause of action, or defense, except as specifically described
12 or provided herein.

13 IV. FINDINGS OF FACT

14 10. The following paragraphs summarize the factual findings made by EPA in support
15 of the Conclusions of Law and Determinations in this Order. Respondent neither admits nor denies
16 them, and reserves its rights to contest them except in proceedings under the Order and as provided
17 herein.

18 a. The Hylebos Waterway is within the boundaries of the CB/NT Superfund Site.
19 The CB/NT Superfund Site is located in Tacoma, Washington, at the southern end of the main basin
20 of Puget Sound and encompasses 10-12 square miles of shallow water, shoreline, and adjacent land.
21 The mouth of the Hylebos Waterway and head of the Hylebos Waterway are two of the eight
22 problem areas that have been designated as operable unit no. 1 (OU1) of the CB/NT Superfund Site,
23 which addresses remediation of marine sediments. The marine boundary of the CB/NT Superfund
24 Site is limited to the shoreline/banks, intertidal areas, bottom sediments, and waters of depths less
25 than 60 feet below mean lower low water.

26 b. On September 8, 1983, EPA placed the CB/NT site on the national priorities
27 list pursuant to Section 105 of the CERCLA, 42 U.S.C. § 9605.

28 c. Under a Cooperative Agreement with EPA, the Washington Department of

1 Ecology conducted a remedial investigation and feasibility study (RI/FS) of the CB/NT site. Within
2 the tideflats area of the CB/NT site, the RI/FS evaluated the nature and extent of contamination
3 the Sitcum, Blair, Milwaukee, Hylebos, St. Paul, Middle, Thea Foss (formerly known as City), and
4 Wheeler-Osgood Waterways. The final RI/FS was made available for public comment in February
5 1989.

6 d. Several contaminants were detected in the head of the Hylebos sediments
7 including, but not limited to, PCBs, high molecular weight polycyclic aromatic hydrocarbons
8 (HPAHs), arsenic, zinc, copper, antimony, lead, nickel, mercury, tetrachlorethane, and phenol, which
9 in certain forms are known to be toxic to humans and marine life and are designated as hazardous
10 substances under § 102(a) of CERCLA, as reported at 40 C.F.R. Part 302.4.

11 e. Respondent, along with five other companies or entities, is performing pre-
12 remedial design activities pursuant to the ROD on the Hylebos Waterway under an Administrative
13 Order on Consent, dated November 25, 1993 ("PRD AOC"). Respondent is addressing upland
14 sources of hazardous substances to the waterway under a Consent Decree with Ecology (Docket #
15 91-2-04341-3).

16 f. Respondent owns and operates a twenty-six (26) acre scrap metal recycling
17 facility adjacent to a portion of the head of the Hylebos Waterway, referred to herein as the Site. The
18 scrap metal recycling operation consists primarily of the purchase, preparation, processing, storage
19 and shipments of ferrous scrap of varying grades, including automobiles, home appliances and other
20 consumer goods containing steel.

21 g. Under the PRD AOC, composite intertidal samples were taken on Respondent's
22 property which indicated that the ROD's sediment quality objectives ("SQOs") were exceeded for
23 the following hazardous substances: ① arsenic, ② N-Nitrosodiphenylamine, ③ PCBs, ④ zinc, ⑤
24 bis(2-ethylhexyl) phthalate, ⑥ mercury, ⑦ 2, 4-dimethylphenol, ⑧ dibenzofuran, and ⑨ several
25 polynuclear aromatic hydrocarbons (PAHs). Active remediation is necessary at certain portions of
26 the intertidal area and other portions may be remediated through natural recovery.

27 h. Respondent is in the process of replacing the existing 733 ft. long marine bulk
28 along the Hylebos Waterway with a new steel sheet bulkhead. In addition, two existing 400 ft. long

1 floating crane ships, a 525 ft. long steel wharf, and various timber pile mooring dolphins will be
2 removed from the project site. These floating and fixed structures will be replaced with a new steel
3 sheet bulkhead, 500 ft. long concrete wharf, companion concrete dolphin, and a traveling crane with
4 a 200 ton capacity.

5 i. As part of this development project, a portion of contaminated intertidal and
6 shallow subtidal sediments will be capped. EPA has determined that it is most practical to remediate
7 the contaminated intertidal and shallow subtidal sediments along Respondent's bulkhead by capping
8 those sediments with clean material, as outlined in the attached Statement of Work.

9 V. CONCLUSIONS OF LAW AND DETERMINATIONS

10 11. Based on the Findings of Fact set forth above, and the Administrative Record
11 supporting this removal action, EPA has determined that:

12 a. The General Metals Sediment Site is a "facility" as defined by Section 101(9)
13 of CERCLA, 42 U.S.C. § 9601(9).

14 b. The contaminants found in the intertidal sediments along the bulkhead at the
15 Site, as identified in subparagraph g. of the Findings of Fact above, include "hazardous
16 substance(s)" as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

17 c. Respondent is a "person" as defined by section 101(21) of CERCLA,
18 42 U.S.C. § 9601(21).

19 d. Respondent is the "owner" and "operator" of the facility, as defined by Section
20 101(20) of CERCLA, 42 U.S.C. § 9601(20), and within the meaning of Section 107(a)(1) of
21 CERCLA, 42 U.S.C. § 9607(a)(1).

22 e. The conditions described in the Findings of Fact above constitute an actual
23 or threatened "release" of a hazardous substance from the facility as defined by Section 101(22) of
24 CERCLA, 42 U.S.C. § 9601(22).

25 f. The conditions present at the facility meet one or more of the factors set forth
26 in Section 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan,
27 as amended, 40 C.F.R. Part 300 ("NCP").

28 g. The actual or threatened release of hazardous substances from the Site may

1 present an imminent and substantial endangerment to the public health, welfare, or the environment
2 within the meaning of Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

3 h. The removal action required by this Order is necessary to protect the public
4 health, welfare, or the environment, and is not inconsistent with the NCP or CERCLA.

5 VI. ORDER

6 12. Based upon the foregoing Findings of Fact, Conclusions of Law, Determinations, and
7 the Administrative Record for this Site, it is hereby ordered and agreed that Respondent shall comply
8 with the following provisions, including, but not limited to, all attachments to this Order, and all
9 documents incorporated by reference into this Order, and perform the following actions:

10 A. Designation of Contractor, Project Coordinator, and On-Scene Coordinator

11 13. Respondent shall perform the removal action required by this Order itself or retain
12 qualified contractors to perform the removal action. Respondent shall notify EPA of Respondent's
13 qualifications or the name and qualifications of such contractor within fourteen (14) days¹ of the
14 effective date of this Order. Respondent shall also notify EPA of the names and qualifications of
15 any other contractors or subcontractors retained to perform the removal action under this Order at
16 least thirty (30) days prior to commencement of such removal action. EPA retains the right to
17 disapprove of any, or all, of the contractors and/or subcontractors retained by the Respondent, or of
18 Respondent's choice of itself to do the removal action. If EPA disapproves of a selected contractor
19 or the Respondent, Respondent shall retain a different contractor or notify EPA that it will perform
20 the removal action itself within twenty (20) days following EPA's disapproval and shall notify EPA
21 of that contractor's name or Respondent and the qualifications within twenty (20) days of EPA's
22 disapproval.

23 14. Respondent has designated Timothy R. Todd, Environmental Administrator of
24 Schnitzer Steel Industries, Inc., as Project Coordinator, and EPA does not disapprove of the
25 designated Project Coordinator. The Project Coordinator shall be responsible for administration of
26 all the Respondent's actions required by the Order. EPA retains the right to disapprove of any
27

28 ¹ All timeframes in the Order are expressed in calendar days except where noted.

1 Project Coordinator named by Respondent. EPA shall direct all communications and/or submissions
2 pursuant to this Order to the Project Coordinator at:

3 Timothy R. Todd
4 Environmental Administrator
5 Schnitzer Steel Industries, Inc.
6 3200 NW Yeon Avenue
7 P.O. Box 10047
Portland, OR 97210
Telephone (503) 286-6944
FAX (503) 286-6948
Pager (503) 940-2147

8 Receipt by Respondent's Project Coordinator of any notice or communication from EPA relating to
9 this Order shall constitute receipt by Respondent. To the greatest extent possible, the Project
10 Coordinator shall be readily available as needed during Site work.

11 15. EPA has designated Allison Hiltner of the Region 10 Office of Environmental
12 Cleanup, as its On-Site Coordinator (OSC). Respondent shall direct all submissions required by this
13 Order to the OSC at:

14 Allison Hiltner, ECL-111
15 U.S. EPA, Region 10
16 1200 Sixth Avenue
Seattle, Washington 98101

17 16. EPA and Respondent shall have the right, subject to the immediately preceding
18 paragraphs, to change its/their designated OSC or Project Coordinator. Respondent shall notify
19 EPA fourteen (14) days before such a change is made. This initial notification may be orally made
20 but it shall be promptly followed by a written notice.

21 B. Work to Be Performed

22 17. Respondent shall perform, at a minimum, the following removal action:

23 a. As part of the proposed bulkhead project, intertidal and shallow subtidal
24 contaminated sediments will be capped. After installation of the new steel sheet bulkhead,
25 Respondent shall cap the contaminated sediments at the base of the bulkhead. The cap shall meet
26 the design objectives set forth in the Statement Of Work (SOW) attached hereto as Appendix A and
27 incorporated herein. Respondent shall implement necessary institutional controls to ensure the long-
28 term effectiveness of the cap and maintenance of the cap.

b. Respondent shall conduct activities and submit deliverables for EPA review, comment and approval or modification, as EPA may deem appropriate, as provided in the SO

18. EPA may approve, disapprove, require revisions to, or modify any deliverable, report, or plan required by this Order. If EPA requires revisions, Respondent shall submit a revised document within twenty-one (21) days of receipt of EPA's notification of the required revisions. Respondent shall implement the work as finally approved, in writing, by EPA in accordance with the schedule approved by EPA. Once approved, or approved with modifications, the document and the schedule, and any subsequent modifications shall be fully enforceable under this Order. Respondent shall notify EPA at least forty-eight (48) hours prior to performing any on-Site work pursuant to the EPA-approved Work Plan. Respondent shall not commence or undertake any removal action on the Site without prior EPA approval.

B1. Work Plan and Implementation

19. Within twenty-one (21) days after the effective date of this Order, the Respondent shall submit to EPA for approval a draft Work Plan for performing the removal action set forth above. The draft Work Plan shall provide a description of and an expeditious schedule for the actions required by this Order.

B2. Health and Safety Plan

20. Within fourteen (14) days after EPA approval of the Work Plan, the Respondent shall submit for EPA review and comment a plan that ensures the protection of the public health and safety during performance of on-Site work under this Order and conforms to the requirements set forth in Section 3.2 of the Statement of Work. Respondent shall incorporate changes to the plan recommended by EPA, and implement the plan during the pendency of the removal action. This plan may be incorporated into the Respondent's Work Plan implementing the Statement of Work.

B3. Quality Assurance Sampling Plan

21. In accordance with Section 3.3 of the Statement of Work, any sampling and analyses performed pursuant to this Order shall conform to EPA direction, approval, and guidance regarding sampling quality assurance/quality control (QA/QC), data validation, and chain-of-custody procedures. For any sampling EPA deems necessary under this Order, Respondent shall submit a

1 Quality Assurance Sampling Plan (QASP) for EPA review and approval within sixty (60) days after
2 EPA approval of the Work Plan . Respondent shall ensure that the laboratory used to perform any
3 analyses participates in a QA/QC program that complies with the appropriate EPA guidance.

4 22. Upon request by EPA, Respondent shall have such a laboratory analyze samples
5 submitted by EPA for quality assurance monitoring. Respondent shall provide to EPA the quality
6 assurance/quality control procedures followed by all sampling teams and laboratories performing
7 data collection and/or analysis.

8 B4. Cap Construction

9 23. Construction of the cap shall begin within seven (7) days of EPA approval of the
10 Work Plan.

11 B5. Post-Removal Site Control

12 24. Respondent shall submit a proposal for post-removal Site control within sixty (60)
13 days after EPA approval of the Work Plan which is consistent with Section 300.415(k) of the NCP,
14 and OSWER Directive 9360.2-02 (Policy on Management of Post-Removal Site Control), and the
15 Statement of Work. Upon EPA approval, Respondent shall implement such controls and shall
16 provide EPA with documentation of all post-removal Site control arrangements.

17 B5. Reporting

18 24. Unless otherwise directed by the OSC, Respondent shall submit weekly written
19 progress reports to EPA beginning with field work to construct the cap. These reports shall contain
20 the information required in the Statement of Work .

21 25. The Respondent shall at least thirty (30) days prior to the conveyance of any interest
22 in real property at the Site, give to the transferee written notice that the property is subject to this
23 Order. Respondent shall also provide written notice to EPA thirty (30) days prior to the proposed
24 conveyance including the name and address of the transferee. Respondent agrees to require that its
25 successor: (i) accept the property with all restrictions required by this Order including all approved
26 deliverables hereunder; (ii) comply with the immediately preceeding sentence; (iii) and comply with
27 Subsection C of this Order - Access to Property and Information.

28 B6. Final Report

26. Within sixty (60) days after completion of all removal actions required under this Order, including proof of filing of deed notice and EPA approval of restrictive covenant language, the Respondent shall submit for EPA review and approval a final report as set forth in Section 3.6 of the Statement of Work. The final report shall also include the following certification signed by a person who supervised or directed the preparation of that report:

Under penalty of law, I certify that to the best of my knowledge, after appropriate inquiries of all relevant persons involved in the preparation of the report, the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

C. Access to Property and Information

27. Respondent shall provide and/or obtain access to the Site and off-Site areas to which access is necessary to implement this Order, and provide access to all records and documentation related to the conditions at the Site and the actions conducted pursuant to this Order. Such access shall be provided to EPA employees, contractors, agents, consultants, designers, representatives, and State of Washington representatives. These individuals shall be permitted to move freely at the Site and appropriate off-Site areas in order to conduct actions which EPA determines to be necessary. Respondent shall submit to EPA the results of all sampling or tests and all other data generated by Respondent or its contractors, or on the Respondent's behalf during implementation of this Order.

28. Where action under this Order is to be performed in areas owned by, or in possession of, someone other than Respondent, Respondent shall use its best efforts to obtain all necessary access agreements within thirty (30) days after the effective date of this Order, or as otherwise specified, in writing, by the OSC. Respondent shall immediately notify EPA if after using its best efforts it is unable to obtain such agreements. Respondent shall describe, in writing, its efforts to obtain access to the extent necessary to effectuate the response actions described herein, using such means as EPA deems appropriate. Respondent shall reimburse EPA for all costs and attorney fees incurred by the United States in obtaining such access.

29. Respondent shall implement and comply with the access and use restrictions that will be required for post-removal Site Control on the capped areas of the Site. Respondent shall ensure all successors in interest, transferees, lessees, or any person given the right to occupy or use the Site

1 are notified of such access or use restrictions and agree to comply with the restrictions.

2 D. Record Retention, Documentation, Availability of Information

3 30. Respondent shall preserve all documents and information relating to work performed
4 under this Order, or relating to the hazardous substances found on or released from the Site, for ten
5 (10) years following completion of the removal actions required by this Order. At the end of this
6 ten (10) year period and thirty (30) days before any document or information is destroyed,
7 Respondent shall notify EPA that such documents and information are available to EPA for
8 inspection, and upon request, shall provide the originals or copies of such documents and
9 information to EPA. In addition, Respondent shall provide documents and information retained
10 under this section at any time before expiration of the ten (10) year period at the written request of
11 EPA.

12 31. Respondent may assert a business confidentiality claim pursuant to 40 C.F.R. §
13 2.203(b) with respect to part or all of any information submitted to EPA pursuant to this Order,
14 provided such claim is allowed by Section 104(e)(7)(F) of CERCLA, 42 U.S.C. § 9604(e)(7). If
15 no such claim accompanies the information when it is received by EPA, EPA may make it available
16 to the public without further notice to Respondent.

17 E. Off-Site Shipments

18 32. All hazardous substances, pollutants, or contaminants removed off-Site pursuant to
19 this Order for treatment, storage, or disposal shall be treated, stored, or disposed of at a facility in
20 compliance, as determined by EPA in Section 121(d)(3), of CERCLA, 42 U.S.C. § 9621(d)(3), and
21 40 C.F.R. Section 300.440. Region 10 will provide information on the acceptability of a facility
22 under Section 121(d)(3) of CERCLA, 42 U.S.C. § 9621(d)(3), and the above regulation.

23 F. Compliance With Other Laws

24 33. Respondent shall perform all actions required pursuant to this Order in accordance
25 with all applicable local, state, and federal laws and regulations except as provided in Section 121(e)
26 of CERCLA, 42 U.S.C. § 9621(e), and 40 C.F.R. Section 300.415(i). In accordance with 40 C.F.R.
27 Section 300.415(i), all on-Site actions required pursuant to this Order shall, to the extent practicable,
28 as determined by EPA, considering the exigencies of the situation, attain applicable or relevant and

appropriate requirements (ARARs) under federal environmental or state environmental or facility siting laws. (See "The Superfund Removal Procedures: Guidance on the Consideration of ARARs During Removal Actions", OSWER Directive No.9360.3-02, August 1991).

G. Emergency Response and Notification of Releases

34. If any incident or change in Site conditions during the actions conducted pursuant to this Order causes or threatens to cause an additional release of hazardous substances from the Site or an endangerment to the public health, welfare, or the environment, the Respondent shall immediately take appropriate actions. The Respondent shall take these actions in accordance with all applicable provisions of this Order, including, but not limited to, the Health and Safety Plan, in order to prevent, abate, or minimize such release or endangerment caused or threatened by the release. Respondent shall also immediately notify the OSC or, in the event of his/her unavailability, shall notify the Region 10 Duty Officer at (206) 553-1263 of the incident or Site conditions. If Respondent fails to respond, EPA may respond to the release or endangerment and reserve the right to pursue cost recovery.

35. In addition, in the event of any release of a hazardous substance from the Site, Respondent shall immediately notify EPA's OSC at (206) 553-1263 and the National Response Center at telephone number (800) 424-8802. Respondent shall submit a written report to EPA within seven (7) days after each release, setting forth the events that occurred and the measures taken or to be taken to mitigate any release or endangerment caused or threatened by the release and to prevent the reoccurrence of such a release. This reporting requirement is in addition to, not in lieu of, reporting under Section 103(c) of CERCLA, 42 U.S.C. § 9603(c), and Section 304 of the Emergency Planning and Community Right-To-Know Act of 1986, 42 U.S.C. § 11001, et seq.

VII. AUTHORITY OF THE EPA ON-SCENE COORDINATOR

36. The OSC shall be responsible for overseeing the Respondent's implementation of this Order. The OSC shall have the authority vested in an OSC by the NCP, including the authority to halt, conduct, or direct any work required by this Order, or to direct any other removal action undertaken at the Site. Absence of the OSC from the Site shall not be cause for stoppage of unless specifically directed by the OSC.

1 VIII. REIMBURSEMENT OF COSTS

2 37. Respondent shall reimburse EPA for all response costs paid or incurred but not yet paid
3 by the United States prior to the effective date of this Order in connection with this removal action
4 and for response costs incurred after the effective date of this Order upon Receipt of a bill for such
5 costs. Following the issuance of this Order, on a periodic basis, EPA shall submit to Respondent
6 a bill for past costs and future response costs incurred by the United States with respect to this Order
7 that includes EPA's certified Agency Financial Management System summary data (SCORES
8 Reports). Respondent shall, within forty-five (45) days of receipt of the bill, remit a cashier's or
9 certified check for the amount of the bill made payable to the "Hazardous Substance Superfund", at
10 the following address:

11 U.S. Environmental Protection Agency
12 EPA Region 10 Superfund Accounting
13 P.O. Box 360903M
Pittsburgh, Pennsylvania 15251

14 Respondent shall simultaneously transmit a copy of the check to the EPA OSC/Project Coordinator
15 and to Joseph Penwell, Finance Unit, Office of Management Programs, Mail Stop OMP-146, 1200
16 Sixth Avenue, Seattle, Washington 98101. Payments shall be designated as "Removal Action Costs,
17 General Metals of Tacoma, Inc. Bulkhead Project Site" and shall reference the payee's name and
18 address, the EPA site identification number 10-5R, and the docket number of this Order.

19 38. In the event that payment for response costs is not made within forty-five (45) days
20 of the Respondent's receipt of the bill, Respondent shall pay interest on the unpaid balance. Interest
21 is established at the rate specified in Section 107(a) of CERCLA, 42 U.S.C. § 9607(a). The interest
22 on response costs shall begin to accrue on the date of the Respondent's receipt of the bill. Interest
23 shall accrue at the rate specified through the date of the payment. Payments of interest made under
24 this paragraph shall be in addition to such other remedies or sanctions available to the United States
25 by virtue of Respondent's failure to make timely payments under this Section.

26 39. Respondent may dispute all or part of a bill for response costs submitted under this
27 Order in accordance with Section IX of this Order, if Respondent alleges that EPA has made an
28 accounting error, or if Respondent alleges that a cost item is inconsistent with the NCP.

1 40. If any dispute over costs is resolved before payment is due, the amount due will be
2 adjusted as necessary. If the dispute is not resolved before payment is due, Respondent shall
3 the full amount of the uncontested costs into the Hazardous Substance Fund as specified above on
4 or before the due date. Within the same time period, Respondent shall pay the full amount of the
5 contested costs into an interest-bearing escrow account. Respondent shall simultaneously transmit
6 a copy of both checks to the OSC. Respondent shall ensure that the prevailing party in the dispute
7 shall receive the amount upon which they prevailed from the escrow funds plus interest within
8 twenty-one (21) days after the dispute is resolved.

9 IX. DISPUTE RESOLUTION

10 41. The parties to this Order shall attempt to resolve, expeditiously and informally, any
11 disagreements concerning this Order. If Respondent objects to any EPA notification or action taken
12 pursuant to this Order, the Respondent shall notify EPA in writing of its objection within ten (10)
13 days of receipt of such notification or actual notice of such action, unless the objection has been
14 informally resolved. Respondent's written objection required by this Section shall include, but not
15 be limited to, any factual data, analysis, supporting documentation or legal opinion that supports
16 Respondent's position.

17 42. EPA and the Respondent shall have twenty (20) days from receipt of the notification of
18 objection to reach agreement. This negotiation period may be extended at the sole discretion of
19 EPA. If agreement is reached, it will be reduced to writing and will become a fully enforceable part
20 of this Order. If agreement cannot be reached on any issue within this twenty (20) day period, the
21 Unit Manager of the Site Cleanup Unit III, will issue a written decision to the Respondent. If
22 Respondent does not agree with the decision of the Unit Manager, within seven (7) days of
23 Respondent's receipt of such decision, Respondent may request a determination by EPA Region 10's
24 Director of the Office of Environmental Cleanup, based on the record developed during the dispute.
25 Respondent's obligations under this Order shall not be tolled by submission of any objection for
26 dispute resolution under this Section, unless agreed to by EPA.

27 43. Following resolution of the dispute, as provided by this Section, Respondent shall fulfill
28 the requirement that was the subject of the dispute in accordance with the agreement reached or with

1 EPA's decision, whichever occurs. No EPA decision made pursuant to this Section shall constitute
2 a final agency action giving rise to judicial review.

3 X. FORCE MAJEURE

4 44. Respondent agrees to perform the requirements under this Order within the time
5 limits established under this Order, unless the performance is delayed by a Force Majeure. For
6 purposes of this Order, a Force Majeure is defined as any event arising from causes beyond the
7 control of Respondent, including, but not limited to, its contractors and subcontractors, that delays
8 or prevents performance of any obligation under this Order despite Respondent's best efforts to fulfill
9 the obligation. Force Majeure does not include financial inability to complete the work or increased
10 cost of performance.

11 45. Respondent shall notify EPA orally within forty-eight (48) hours after the event, and
12 in writing within five (5) days after Respondent becomes or should have become aware of events
13 which constitute a Force Majeure. Such notice shall: identify the event causing the delay or
14 anticipated length of delay, including necessary demobilization and re-mobilization; state the
15 measures taken or to be taken to minimize the delay; and estimate the timetable for implementation
16 of the measures. Respondent shall take reasonable measures to avoid and minimize the delay.
17 Failure to comply with the notice provision of this action shall waive any claim of Force Majeure
18 by the Respondent.

19 46. If EPA determines a delay in performance of a requirement under this Order is or was
20 attributable to a Force Majeure, the time period for performance of that requirement shall be
21 extended as deemed necessary by EPA. Such an extension shall not alter Respondent's obligation
22 to perform or complete other tasks required by the Order which are not directly affected by the Force
23 Majeure.

24 XI. STIPULATED AND STATUTORY PENALTIES

25 47. For each day, or portion thereof, that Respondent fails to fully perform any
26 requirement of this Order in accordance with the schedule established pursuant to this Order,
27 Respondent may be liable for stipulated penalties as follows: (i) \$ 250 per day per violation for first
28 seven (7) days of noncompliance; (ii) \$ 500 per day per violation for the eighth (8) day up to the

1 thirtieth (30) day of noncompliance; and \$ 1000 per day per violation for the thirtieth day and
2 beyond. Penalties for late submittals shall accrue from the due date and extend until received.
3 EPA approves a timely request for a schedule extension, accrual of penalties will be calculated from
4 the date provided for in the revised schedule. EPA will provide written notice for violations that are
5 not based on timeliness. Penalties for violations that are not based on timeliness shall accrue from
6 the date of the written notice indicating the violation has occurred and extend through the period of
7 correction. Even if violations are simultaneous, separate penalties shall accrue for separate
8 violations of the Order.

9 48. Payment shall be due within forty-five (45) days after receipt of a demand letter from
10 EPA. Interest shall accrue on late payments as of the date the payment is due which is the date of
11 the violation or act of non-compliance triggering the stipulated penalties. Payments shall be made
12 in the same manner as specified in Paragraph 37 above.

13 49. Violation of any provision of this Order may subject Respondent to civil penalties
14 of up to twenty-seven thousand five hundred dollars (\$27,500.00) per violation per day, as provided
15 in Section 106(b)(1) of CERCLA, 42 U.S.C. § 9606(b)(1) and as adjusted by the Debt Collection
16 Improvement Act of 1996. Respondent may also be subject to punitive damages in an amount up
17 to three (3) times the amount of any cost incurred by the United States as a result of such violation,
18 as provided in Section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3). Should Respondent violate
19 this Order or any portion hereof, EPA may carry out the required actions unilaterally, pursuant to
20 Section 104 of CERCLA, 42 U.S.C. § 9604, and/or may seek judicial enforcement of this Order
21 pursuant to Section 106 of CERCLA, 42 U.S.C. § 9606.

22 50. Respondent may dispute EPA's right to the stated amount of penalties by invoking
23 the dispute resolution procedures under Section IX herein. Penalties and interest shall accrue but
24 need not be paid during a properly invoked dispute resolution period. If Respondent does not prevail
25 upon resolution, all penalties with interest shall be due within ten (10) days after resolution of the
26 dispute. If Respondent prevails upon resolution, no penalties shall be paid.

XII. RESERVATION OF RIGHTS

51. Except as specifically provided in this Order, nothing herein shall limit the power and authority of EPA or the United States to take, direct, or order all actions necessary to protect public health, welfare, or the environment or to prevent, abate, or minimize an actual or threatened release of hazardous substances, pollutants, or contaminants, or hazardous or solid waste on, at, or from the Site. Further, nothing herein shall prevent EPA from seeking legal or equitable relief to enforce the terms of this Order, from taking other legal or equitable action as it deems appropriate and necessary, or from requiring the Respondent in the future to perform additional activities pursuant to CERCLA or any other applicable law. EPA reserves the right to bring an action against Respondent under Section 107 of CERCLA, 42 U.S.C. § 9607, for recovery of any response costs incurred by the United States related to this Order the Site and not reimbursed by Respondent.

XIII. OTHER CLAIMS

52. By issuance of this Order, the United States and EPA assume no liability for injuries or damages to persons or property resulting from any acts or omissions of Respondent. The United States or EPA shall not be deemed a party to any contract entered into by the Respondent or its directors, officers, employees, agents, successors, representatives, assigns, contractors, or consultants in carrying out actions pursuant to this Order.

53. Except as expressly provided in Section XIV - Covenant Not to Sue, nothing in this Order constitutes a satisfaction or release from any claim or cause of action against the Respondent or any person not a party to this Order, for any liability such person may have under CERCLA, other statutes, or the common law, including, but not limited to, any claims of the United States for costs, damages, and interest under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §§ 9606(a) and 9607(a).

54. This Order does not constitute a preauthorization of funds under Section 111(a)(2) of CERCLA, 42 U.S.C. § 9611(a)(2). The Respondent waives any claim to payment under Sections 106(b), 111, and 112 of CERCLA, 42 U.S.C. §§ 9606(b), 9611, and 9612, against the United States or the Hazardous Substance Superfund arising out of any action performed under this Order.

1 55. No action or decision by EPA pursuant to this Order shall give rise to any right to
2 judicial review except as set forth in Section 113(h) of CERCLA, 42 U.S.C. § 9613(h).

3 XIV. COVENANT NOT TO SUE

4 56. Except as otherwise specifically provided in this Order, upon issuance of the EPA
5 notice referred to in Section XIX - Notice of Completion, EPA covenants not to sue Respondent for
6 judicial imposition of damages or civil penalties or to take administrative action against Respondent
7 for any failure to perform removal actions agreed to in this Order, except for failure to perform
8 ongoing obligations required by this Order.

9 57. In consideration and upon Respondent's payment of the response costs specified in
10 Section VIII of this Order, EPA covenants not to sue or to take administrative action against
11 Respondent under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), for recovery of past and future
12 response costs incurred by the United States in connection with this Order. This covenant not to sue
13 shall take effect upon the receipt by EPA of the payments required by Section VIII - Reimbursement
14 of Costs.

15 58. These covenants not to sue are conditioned upon the complete and satisfactory
16 performance by Respondent of its obligations under this Order, including the post-removal site
17 control requirements. These covenants not to sue extend only to obligations under this Order. These
18 covenants not to sue extend only to the Respondent and do not extend to any other person.

19 XV. CONTRIBUTION PROTECTION

20 59. With regard to claims for contribution against Respondent for matters addressed in
21 this Order, the Parties hereto agree that the Respondent is entitled to protection from contribution
22 actions or claims to the extent provided by Section 113(f)(2) and 122(h)(4) of CERCLA, 42 U.S.C.
23 §§ 9613(f)(2) and 9622(h)(4). The matters addressed in this Order include only the capping of
24 intertidal and shallow subtidal sediments at or near the General Metals Sediment Site and long-term,
25 post-removal Site Control. Nothing in this Order precludes the United States or the Respondent
26 from asserting any claims, causes of action or demands against any persons not parties to this Order
27 for indemnification, contribution, or cost recovery.

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1 writing, by mutual agreement of the parties.

2 63. If Respondent seeks permission to deviate from any approved Work Plan or schedule
3 or Statement of Work, Respondent's Project Coordinator shall submit a written request to EPA for
4 approval outlining the proposed Work Plan modification and its basis.

5 64. No informal advice, guidance, suggestion, or comment by EPA regarding reports,
6 plans, specifications, schedules, or any other writing submitted by the Respondent shall relieve the
7 Respondent of its obligation to obtain such formal approval as may be required by this Order, and
8 to comply with all requirements of this Order unless it is modified in writing.

9 XIX. NOTICE OF COMPLETION

10 65. When EPA determines, after EPA's review of the Final Report, that all removal
11 actions have been fully performed in accordance with this Order, with the exception of any
12 continuing obligations required by this Order, including post-removal site controls or record
13 retention, EPA will provide written notice to the Respondent. If EPA determines that any removal
14 actions have not been completed in accordance with this Order, EPA will notify the Respondent
15 provide a list of the deficiencies, and require that Respondent modify the Work Plan, if appropriate,
16 in order to correct such deficiencies. The Respondent shall implement the modified and approved
17 Work Plan and shall submit a modified Final Report in accordance with the EPA notice. Failure by
18 Respondent to implement the approved modified Work Plan shall be a violation of this Order.

19 XX. SEVERABILITY

20 66. If a court issues an order that invalidates any provision of this Order or finds that
21 Respondent has sufficient cause not to comply with one or more provisions of this Order,
22 Respondent shall remain bound to comply with all provisions of this Order not invalidated or
23 determined to be subject to a sufficient cause defense by the court's order.

24 XXI. EFFECTIVE DATE

25 67. This Order shall be effective the day the Order is signed by the Site Cleanup Unit
26 Manager.

1 The undersigned representative of Respondent certifies that he/she is fully authorized to enter into
2 the terms and conditions of this Order and to bind the party it represents to this document.

3
4 Agreed this 5th day of October, 1998.

5
6 By: Anton U. Pardo

7 Name: ANTON U. PAROENI
8 Title: GENERAL COUNSEL

9
10 It is so ORDERED and Agreed this 13th day of October 1998.

11 By: Catherine Krueger
12 Catherine Krueger
13 Unit Manager
14 Site Cleanup Unit III
15 Region 10
16 U.S. Environmental Protection Agency

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20 EFFECTIVE DATE: October 13, 1998.
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STATEMENT OF WORK GENERAL METALS REMOVAL ACTION

1.0 PURPOSE

The following Statement of Work outlines the work General Metals of Tacoma, Inc. d/b/a Schnitzer Steel of Tacoma ("Respondent") shall perform under the Administrative Order on Consent for Removal Response Activities (AOC).

The Respondent plans several property improvements to be constructed in 1998. These include replacement of an existing wood bulkhead with a sheet steel bulkhead, and removal of two floating crane ship docks, to be replaced by a steel wharf. The purpose of this AOC is to partially implement the 1989 Record of Decision (ROD) for the Commencement Bay Nearshore/Tideflats (CB/NT) Superfund Site by remediating a portion of the intertidal and shallow subtidal sediments at the General Metals Site while Respondent is constructing other property improvements in the area.

2.0 SITE BACKGROUND

The General Metals Site is located at 1902 Marine View Drive, on the Hylebos Waterway in Tacoma, Washington. It is a 26-acre scrap metal recycling facility with 1,000 feet of frontage on the Hylebos Waterway.

The General Metals Site is located within the Head of Hylebos Waterway Problem Area of the Commencement Bay Nearshore/Tideflats (CB/NT) Superfund Site. A legal description of the General Metals Site is attached as Appendix B to the AOC. In the 1989 Record of Decision, EPA determined that cleanup was required in eight problem areas, including the Head and Mouth of Hylebos Waterway. In the 1989 ROD, EPA set forth a cleanup plan which included control of upland sources and remediation of sediments where contaminant concentrations or biological test results exceeded Sediment Quality Objectives (SQOs) set forth in the ROD.

Upland source control at the General Metals Site is being addressed under a Consent Decree with the Washington Department of Ecology (Docket # 91-2-04341-3) and an NPDES permit (permit # 004044-4).

This AOC addresses contaminated intertidal and shallow subtidal sediments along the General Metals shoreline. Sediment sampling to determine the extent of contamination in the Hylebos Waterway is being done by six parties, including the Respondent, collectively known as the "Hylebos Cleanup Committee" (HCC), under a 1993 Administrative Order on Consent. Under the 1993 Administrative Order on Consent, the HCC has taken numerous sediment samples in the Hylebos Waterway, including three composite intertidal samples on General Metals' property. Of these three samples, sample 2210I had no exceedences of the SQOs set forth in the

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ROD, and has been designated a "no action" area. Sample 2212I had slight SQO exceedences for arsenic, PCBs, and n-nitrosodiphenylamine, and has been designated a "natural recovery" area. Sample 2211I had SQO exceedences for PCBs, zinc, bis(2-ethylhexyl)phthalate, mercury, n-nitrosodiphenylamine, 2,4-dimethylphenol, dibenzofuran, and several polynuclear aromatic hydrocarbons (PAHs), and has been designated an active remediation area. Subtidal samples near the General Metals Site have slight exceedences of arsenic, zinc, PCBs and PAHs, and have been designated "natural recovery" areas.

Under this SOW, Respondent will remediate the area represented by Sample 2211I by capping the area while other property improvements are being constructed. Respondent will also develop a plan for long-term maintenance and monitoring of the cap on its property and for implementing land use restrictions necessary to ensure the removal action remains protective of human health and the environment. The AOC and this SOW does not address all removal or remedial actions that are or may be found to be necessary on Respondent's facility.

3.0 GENERAL REMOVAL ACTION REQUIREMENTS

3.1 Regulatory Requirements

The Respondent shall comply with all Applicable or Relevant and Appropriate Requirements (ARARs) to the maximum extent practicable considering the exigencies of the situation. To the extent required, the Respondent is responsible for obtaining all necessary permits or other authorizations for work conducted under this Order.

3.2 Removal Work Plan

According to the schedule outlined in Section 5.0 of this SOW, the Respondent shall submit a Removal Work Plan. The Work Plan shall describe how the cap will be designed and constructed to meet the performance standards set forth in Section 4.0 of this SOW, and include plans for:

- ▶ removal of metal and other debris from the sediment surface prior to capping
- ▶ placement of a cap of ~~minimum three feet thickness~~ over all areas where sediment contaminant concentrations exceed the SQOs set forth in the 1989 CB/NT ROD, but have not been designated as "natural recovery" areas through the methodology set forth in the March 20, 1998 Round 1 Data Report for the Hylebos Waterway pre-remedial design program
- ▶ designation of capping design which will prevent long-term migration of contaminants, prevent erosion of the cap, and address any habitat concerns raised by natural resource agencies. The work plan shall include a prop-wash analysis, and the cap shall be designed to withstand prop wash. Capping materials must be free of contamination (i. e., contaminant levels must below the CB/NT SQOs).
- ▶ the placement method for capping materials, including measures to prevent migration of

contaminated sediments during cap construction
▶ a post-construction survey

3.3 Health and Safety Plan

According to the schedule outlined in Section 5.0 of this statement of work, the Respondent shall submit a Health and Safety Plan for EPA review and comment. The Health and Safety Plan shall establish the minimum health and safety guidelines to be followed during all Removal Action activities. This plan shall be prepared in accordance with EPA's Standard Operating Safety Guide, dated November 1984 (and all applicable updates), shall comply with all current applicable Occupational Safety and Health Administration (OSHA) regulations found in 29 CFR 1910, and all current applicable Washington Industrial Safety and Health Act requirements found in Chapter 49.17 RCW. The Respondent shall incorporate all changes to the plan recommended by EPA and shall implement the health and safety plan while performing all response activities pursuant to this Order. The Health and Safety Plan developed for the Hylebos Waterway pre-remedial design program shall be utilized where possible to avoid duplication of efforts.

3.4 Quality Assurance Sampling Plan

According to the schedule outlined in Section 5.0, the Respondent shall submit a Quality Assurance Sampling Plan (QASP) for EPA review and approval. The QASP shall conform to all EPA guidance regarding sampling, quality assurance/quality control, data validation, and chain-of-custody procedures. The QASP shall be developed in accordance with applicable EPA guidance and the requirements of the EPA Contract Laboratory Program and the Puget Sound Estuary Program. The QASP developed for the Hylebos Waterway pre-remedial design work shall be used where possible to avoid duplication of efforts.

The sampling program may include:

- ▶ sampling to delineate the edges of the proposed cap
- ▶ sampling of capping materials to ensure they are free of contamination
- ▶ post-cleanup sampling to establish baseline conditions for long-term monitoring
- ▶ long-term monitoring

At a minimum, the following analytes shall be included in the sampling program:

PAHs
PCBs
bis(2ethyl-hexyl)phthalate
n-nitrosodiphenylamine
2,4-dimethylphenol
dibenzofuran

arsenic
zinc
mercury

3.5 Progress Reports

According to the schedule outlined in Section 5.0 of this work plan, the Respondent shall, unless otherwise directed by the On-Scene Coordinator, submit weekly Progress Reports throughout cap construction. Weekly Progress Reports shall outline all significant developments during the reporting period, including the actions performed and any problems encountered, analytical data received during the reporting period, and the developments anticipated during the next reporting period, including a schedule of actions to be performed, anticipated problems, and planned resolutions of past or anticipated problems.

3.6 Post-Removal Site Control Plan

According to the schedule outlined in Section 5.0, the Respondent shall submit a Post-Removal Site Control Plan for EPA review and approval. This plan shall be consistent with the ROD, 40 CFR Section 300.415(k), and the "Policy on Management of Post-Removal Site Control" (OSWER Directive No. 9360.2-02). The Post-Removal Site Control Plan shall meet the following objectives:

1. Provide a plan and schedule for long-term monitoring of the areas determined to require a cap on the Respondent's property to ensure that the cap is performing as designed. The plan shall include periodic surveys of the cap to ensure capping materials have remained in place, and periodic sampling to assess whether any recontamination of the cap has occurred.
2. Provide a plan for how the cap will be maintained to meet the specified performance standards.
3. Provide a plan that proposes land use restrictions and mechanisms to implement such restrictions which will run with the land and be binding on subsequent landowners or lessees that will ensure the integrity of the cap is maintained. For example, such plan should propose language for a notice to be placed on the property's title records notifying potential purchasers of the ROD, the AOC and actions taken thereunder and any access or use restrictions that apply to the property and such plan should propose language for a restrictive covenant or other equitable servitude that would be placed on the property in any future sale or transfer of the Respondent's property or portion of the property which would attach to the land and be binding upon all successors interest.

3.7 Final Report

According to the schedule outlined in Section 5.0, the Respondent shall submit a Final Report for EPA review and approval. The Final Report shall conform, at a minimum, with the requirements set forth in 40 CFR Section 300.165, and EPA may also require compliance with "Removal Response Reporting" (OSWER Directive No. 9360.3-03). The Final Report shall include, as appropriate, the following: (1) a good faith estimate of total costs or a statement of actual costs incurred in complying with the Order; (2) a listing of quantities and types of materials removal off-site or handled on-site; (3) a discussion of removal and disposal activities conducted; (4) a listing of the ultimate destination of those materials taken off-site; (5) results of sampling and analyses performed; and (6) appendices containing all relevant documentation generated during the removal action (e.g., manifests, data validation information, and permits).

The final report shall include results of post-cleanup sampling, and as-built drawings showing cap bathymetry.

3.8 Site Control Measures

The Respondent shall implement temporary measures to control, minimize, and/or prevent the spreading of contamination during implementation of Removal Actions. Such controls may include, but are not limited to engineering controls to minimize or prevent erosion or movement contaminated sediments during capping operations, and wharf and bulkhead construction.

4.0 REMOVAL ACTIONS

In accordance with the schedule set forth in Section 5, Respondent shall construct the cap to conform to the EPA-approved Removal Work Plan. The cap shall be constructed to meet the following performance objectives:

- ▶ Isolate ecological receptors from contact with contaminated sediments.
- ▶ Prevent cap materials from erosion or moving down the shoreline slope, either from prop wash or mass movement.
- ▶ Minimize recontamination.
- ▶ Provide a cap surface that is consistent with the habitat goals of the natural resource agencies.

EPA may require modifications to the sampling program or cap construction plans due to unforeseen circumstances during capping, or wharf, or bulkhead construction.

5.0 SCHEDULE

All activities conducted under this work plan shall be in accordance with the following schedule.

Plan or Report	Due Date (calendar days)
Work Plan	21 days after AOC effective date
Health and Safety Plan	14 days after EPA approval of Work Plan
Quality Assurance Sampling Plan	60 days after EPA approval of Work Plan
Progress Reports	every 7th day after initiation of removal action field work for cap construction
Post-Removal Site Control Plan	60 days after EPA approval of the Work Plan
Final Report	60 days after completion of cap construction
Cap Construction	initiate construction 7 days after approval of the Work Plan